IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 12598 of 2007(Y)

OA.569/1998 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
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PETITIONER:

M/S.MICHELLE OPTICAL INDUSTRIES,
INDUSTRIAL ESTATE, PAPPANAMCODE,
TRIVANDRUM, REPRESENTED BY PARTNER
VINOD PONNAN.

BY ADV. SRI.M.A.FIROZ
SRI.C.S.ULLAS

RESPONDENTS:
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1. **THE AUTHORISED OFFICER,**
   THE CHIEF MANAGER,
   STATE BANK OF TRAVANCORE,
   HEAD OFFICE, TRIVANDRUM.

2. **STATE BANK OF TRAVANCORE,**
   PAPPANAMCODE BRANCH,
   INDUSTRIAL ESTATE P.O., TRIVANDRUM,
   REPRESENTED BY ITS CHIEF MANAGER.

3. **THE DEBT RECOVERY TRIBUNAL,**
   KSHB BUILDING, PANAMPILLY NAGAR,
   ERNAKULAM.

BY ADV. SRI.M.PATHROSE MATHAI (Sr.), SC)
SRI.SAJI VARGHESE) for R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.12598 of 2007-Y

Dated this the 11th day of April, 2007

JUDGMENT

The petitioner challenges Ext.P4 which is a notice issued under Sec.13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. A Writ Petition, challenging the notice issued under the above-said Act is not maintainable. The petitioner also challenges Ext.P10 which is a petition filed on behalf of the second respondent bank, under Section 14 (1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, praying for appropriate assistance to take over possession of the secured assets. It is a petition filed within jurisdiction. This Court cannot interfere with that. If the petitioner has any objection in allowing it, it can raise its objection before the Chief Judicial Magistrate, Thiruvananthapuram. In that event, the Chief Judicial Magistrate will consider them, before passing final orders on Ext.P10. If the petitioner is aggrieved by the taking over of the secured assets, the petitioner has got remedies under Section 17, before the D.R.T.

Subject to the above observations, the Writ Petition is closed.

K.BALAKRISHNAN NAIR, JUDGE.

MS